

With respect to the §103 rejection, there appears to be no consideration of the previously-submitted Declaration under 37 C.F.R. §1.131 in response to the previous Office Action.

Applicant submitted this Declaration, which establishes, *inter alia*, that the claimed invention and the '280 patent were part of the same engineering effort and, therefore, the '280 patent could not be considered as prior art. More specifically, the '280 patent was not invented "before" the presently-claimed invention and therefore does not qualify as prior art under §103.

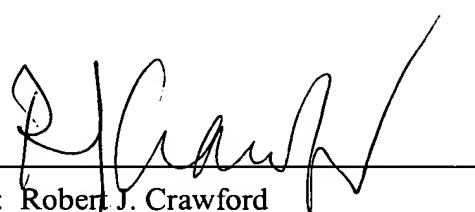
Moreover, Applicant respectfully submits that the standards to which the Examiner takes Office Notice do not necessarily establish the motivational connectivity required to be combined with the '280 patent, and the stated motivation ("to provide an efficient data transmission system based upon the system specification and requirement for users") is lacking in that it uses the hindsight of the instant application (which defines the system specification and requirement for users) to form the alleged motivation required for the combination. For these reasons and to offset a presumed acquiescence to the substance of the §103 rejection (as indicated in the MPEP), Applicant requests clarification and full evidence in support of the rejection should it be maintained.

With respect to the §102(e) rejection, Applicant respectfully traverses. The claimed invention is directed to an arrangement that includes, *inter alia*, a processing unit adapted to determine whether to access the Internet in response to "audio" information sourced from the telephone. The cited embodiment of the '984 patent (FIG. 63) is directed to a two-line telephone, with one line coupled to the Internet and the other line connected to the telephone line (col. 99, lines 49 *et seq.*). The user selects one of the lines to inform the CPU 6301/6303 whether to connect as a normal phone call or as an Internet call. The cited embodiment of the '984 patent does not teach or suggest that the claimed processing unit is adapted to determine whether to access the Internet in response to "audio-band" information sourced from a telephone, as claimed in the present invention.

In view of the above, Applicant submits that each of the claims has been patentably distinguished from the prior art and requests that the rejections be removed. It is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejections, along with a favorable response, are earnestly requested.

Should there be any remaining issues that could be readily addressed over the telephone,
the Examiner is encouraged to contact the undersigned at 612/349-2701.

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